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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,236	11/18/2003	George Bernhart	042933/270324	6729
826	7590	09/12/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			LE, DANH C	
			ART UNIT	PAPER NUMBER
			2683	
DATE MAILED: 09/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,236

Applicant(s)

BERNHART, GEORGE

Examiner

DANH C. LE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5, 9-13, 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartle (US 6,018,655).

As to claim 1, Bartle teaches a terminal adapted to communicate via at least one communications system in a plurality of service increments (figure 1 and col.2, lines 17-38, line 52-col.3, line 10), wherein the terminal comprises:

a transmitter and a receiver (22) for transmitting and receiving signals, respectively, via the at least one communications system;

a user interface(31, 28) capable of producing a user perceptible output; and

a controller (24)capable of counting the plurality of service increments utilized by the terminal, producing a result based on counting the plurality of service increments, comparing the result to at least one threshold, and directing the user interface to produce the user perceptible output when the result is reaches the at least one threshold.

As to claim 2, Bartle teaches terminal according to Claim 1, wherein the user interface is capable of receiving at least one threshold, and wherein the controller is

further capable of converting at least one of the threshold and the result to a common unit of measurement (figure 1, 42-48).

As to claim 3, Bartle teaches a terminal according to Claim 1, wherein the user interface is further capable of receiving a plurality of thresholds and wherein the controller is further capable of comparing the result to the plurality of thresholds and directing the user interface to produce a user perceptible output when the result reaches at least one of the plurality of thresholds (figure 2).

As to claim 4, Bartle teaches terminal according to Claim 2, wherein the user interface is further capable of receiving a plurality of thresholds and wherein the controller is further capable of converting at least one of the thresholds and the result to a common unit of measurement, comparing the result to the plurality of thresholds following the conversion, and directing the user interface to produce the user perceptible output when the result reaches at least one of the plurality of thresholds (figure 2, 3).

As to claim 5, Bartle teaches a terminal according to Claim 3 wherein the user interface is further capable of producing an audible tone as the user perceptible output (figure 2, lines 18-38).

As to claim 9, the claim is a method claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 10, the claim is a method claim of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 11 the claim is a method claim of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 12, the claim is a method claim of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 13, the claim is a method claim of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

As to claim 17, the claim is a computer claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 18, the claim is a computer claim of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 19, the claim is a computer claim of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 20, the claim is a computer claim of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 21, the claim is a computer claim of claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6, 14, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartle.

As to claim 6, Bartle teaches a terminal according to Claim 5, wherein the user interface is further capable of producing a plurality of different audible tones, Bartle fails to teach the controller is further capable of directing the user interface to produce a different audible tone when the output reaches each of the respective thresholds. However, the examiner takes Official Notice that producing a different audible tone when the output reaches each of the respective thresholds are known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of produce a different audible tone when the output reaches each of the respective thresholds into the system of Bartle in order to recognize different thresholds by the user without looking at the display.

As to claim 14, the claim is a method claim of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

As to claim 22, the claim is a computer claim of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

As to claim 17, the claim is a computer claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

3. Claims 7, 15, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartle in view of Garvan (US 2005/0075992).

As to claim 7, Bartle teaches a terminal according to Claim 1, wherein the plurality of service increments is expressed in a unit of measurement selected from the

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group consisting of frame of data. Bartle fails to teach a unit of measurement selecting form a unit of time. Garvan teaches a unit of measurement selecting form a unit of time (paragraph 0217). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Garvan into the system of Bartle in order to cumulative call minutes.

As to claim 15, the claim is a method claim of claim 7; therefore, the claim is interpreted and rejected as set forth as claim 7.

As to claim 23, the claim is a computer claim of claim 7; therefore, the claim is interpreted and rejected as set forth as claim 7.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Claims 8 and 16 are allowed.

As claims 8 and 16, the teaching of above prior arts either combine or alone fails to teach a controller capable of counting the plurality of kilobytes transferred via the GPRS communications system, producing a result based on counting the plurality of kilobytes, converting at least one of the result and the currency threshold such that the result and the currency threshold share a common unit of measurement, and directing the user interface to produce the user perceptible output when the result reaches the currency threshold following the conversion of at least one of the result and the currency threshold to a common unit of measurement.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Van Bosch et al (US 2004/0127206) teaches system and method for controlling a power in a wireless client device.

B. Arsenault et al (US 2002/0016157) teaches method and apparatus for in line detection of satellite signal clock.

C. Roskind et al (US 2004/0127198) teaches automatically changing a mobile device configuration based on environmental condition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

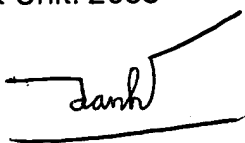
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "danh", is written over a horizontal line. A diagonal line extends upwards and to the right from the end of the signature.

August 26, 2005.

DANH CONG LE
PATENT EXAMINER